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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. 8818.00

Application of

APR 27 2004

Joseph Cosentino

Serial No. 09/774,992

Group Art Unit: 2114

Filed: January 31, 2001

Examiner: J.A. Lohn

For: **FINANCIAL DOCUMENT PROCESSING SYSTEM AND METHOD OF
OPERATING A FINANCIAL DOCUMENT PROCESSING SYSTEM**

CERTIFICATE OF MAILING

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APPEAL BRIEF

Sir:

This Appeal Brief is in furtherance of the Notice of Appeal filed in this case on **April 6, 2004**. Three copies of the Appeal Brief are filed herewith. Authorization is given to charge deposit account number 14-0225 for the fee under 37 C.F.R. 1.17 for filing the Appeal Brief.

(1) REAL PARTY IN INTEREST

The present application is assigned to NCR Corporation of Maryland.

(2) RELATED APPEALS AND INTERFERENCES

None.

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(3) STATUS OF ALL CLAIMS

The above-identified patent application was filed on January 31, 2001 with claims 1-21. In response to an Office Action mailed on October 6, 2003, claims 1-8 and 15-21 were amended. In response to a final Office Action mailed on January 12, 2004, no claims were amended. A Notice of Appeal was filed on April 6, 2004. Thus, claims 1-21 stand rejected.

Claims 1-21 are being appealed and are attached as an appendix to this Appeal Brief.

(4) STATUS OF ALL AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

No amendments were filed subsequent to final rejection.

(5) CONCISE SUMMARY OF THE INVENTION

A number of operating parameters associated with operation of a financial document processing system is monitored (see page 5, lines 24 and 25 of the specification). A number of operating parameters is stored into a database (see page 5, lines 26-28 of the specification). A fault finding test script file which contains a number of tests which can be performed on the system is retrieved (see page 6, lines 10 and 11 of the specification). Tests contained in the retrieved fault finding test script file are performed using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition (see page 6, lines 11 and 12 of the specification). The retrieved fault finding test script file is updated based upon test results from tests which have been performed on the system (see page 6, lines 12-16 of the specification).

(6) CONCISE STATEMENT OF ALL ISSUES PRESENTED FOR REVIEW

An issue presented for review is whether each of claims 1-21 is patentable over Garg et al.

(7) GROUPING OF CLAIMS FOR EACH GROUND OF REJECTION WHICH APPLICANT CONTEST

Claims 1-21 are grouped together.

(8) THE REJECTION

Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garg et al.

Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garg et al. in further view of Bliley et al.

(9) APPLICANT'S POSITION

Applicant believes that each of claims 1-21 of the present application is patentable over the prior art including the prior art references of record. Applicant would like to respectfully point out that the rejection of claims 1-21 is incorrect for the reasons explained hereinbelow.

First, with reference to Garg et al., Applicant notes from the Office Action that the Examiner specifically states “It is obvious that these cognitive signatures act as a fault finding test script file that contains a number of tests that can be performed on the system.” However, Applicant would like to respectfully point out that the cognitive signatures disclosed in Garg et al. are not fault finding test script files which contain tests which can be performed on the system as suggested by the Examiner. The cognitive signatures in Garg et al. are simply historical data (see column 6, lines 6-11 and lines 58-64 in the specification of Garg et al.).

Second, each of claims 1-7 recites, inter alia, “(e) updating the retrieved fault finding test script file of step (c) based upon test results from tests which have been performed on the system in step (d)”, each of claims 8-14 recites, inter alia, “means for updating the retrieved fault finding test script file based upon test results from tests which have been performed on the system”, and each of claims 15-21 recites, inter alia, “(e) updating the retrieved fault finding test script file of step (c) based upon test results from tests


which have been performed on the system in step (d)". None of the prior art including Garg et al. discloses or suggests that a fault finding test script file is being updated based upon test results from tests which have been performed. While the cognitive signatures (i.e., the historical data) in Garg et al. may be updated, there is no disclosure or suggestion of a fault finding test script file being updated. Accordingly, the rejection of claims 1-21 by applying Garg et al. is improper and, therefore, should be withdrawn.

Applicant has respectfully requested that the Examiner explain how "a test script file" and "data" could mean the same thing when the two terms are clearly different in meaning. However, the Examiner has not provided any explanations. Accordingly, it is respectfully submitted the rejection of claims 1-21 of the present application is improper and, therefore, should be withdrawn.

(10) CONCLUSION

In view of the forgoing reasons, it is clear that the rejection of claims 1-21 under 35 U.S.C. Section 103(a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 1-21.

Respectfully submitted,



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(11) APPENDIX

1. (previously presented): A method of operating a financial document processing system, the method comprising the steps of:

- (a) monitoring a number of operating parameters associated with operation of the system;
- (b) storing a number of operating parameters of step (a) into a database;
- (c) retrieving a fault finding test script file which contains a number of tests which can be performed on the system;
- (d) performing tests contained in the retrieved fault finding test script file of step (c) using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition; and
- (e) updating the retrieved fault finding test script file of step (c) based upon test results from tests which have been performed on the system in step (d).

2. (previously presented): A method according to claim 1, further comprising the step of:

- (f) displaying a message to assist an operator in diagnosing the potential fault condition before the potential fault condition actually occurs.

3. (previously presented): A method according to claim 1, further comprising the step of:

- (f) periodically determining if the signals indicative of the potential fault condition match a predetermined fault pattern.

4. (previously presented): A method according to claim 3, further comprising the step of:

- (g) alerting an operator when the signals indicative of the potential fault condition match the predetermined fault pattern.

5. (previously presented): A method according to claim 3, further comprising the step of:

(g) logging a fault event when the signals indicative of the potential fault condition match the predetermined fault pattern.

6. (previously presented): A method according to claim 1, further comprising the step of:

(f) displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition.

7. (previously presented): A method according to claim 6, wherein step (d) includes the step of:

(f-1) displaying specific instructions to provide a step-by-step approach to diagnosing the potential fault condition.

8. (previously presented): A financial document processing system comprising:
means for monitoring a number of operating parameters associated with operation of the system;

means for storing a number of operating parameters into a database;

means for retrieving a fault finding test script file which contains a number of tests which can be performed on the system;

means for performing tests contained in the retrieved fault finding test script file using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition; and

means for updating the retrieved fault finding test script file based upon test results from tests which have been performed on the system.

9. (original): A financial document processing system according to claim 8, further comprising means for displaying a message to assist an operator in diagnosing the potential fault condition before the potential fault condition actually occurs.

10. (original): A financial document processing system according to claim 8, further comprising means for periodically determining if the signals indicative of the potential fault condition match a predetermined fault pattern.

11. (original): A financial document processing system according to claim 10, further comprising means for alerting an operator when the signals indicative of the potential fault condition match the predetermined fault pattern.

12. (original): A financial document processing system according to claim 10, further comprising means for logging a fault event when the signals indicative of the potential fault condition match the predetermined fault pattern.

13. (original): A financial document processing system according to claim 8, further comprising means for displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition.

14. (original): A financial document processing system according to claim 13, wherein the displaying means includes means for displaying specific instructions to provide a step-by-step approach to diagnosing the potential fault condition.

15. (previously presented): A program storage medium readable by a computer having a memory, the medium tangibly embodying one or more programs of instructions executable by the computer to perform method steps for operating a financial document processing system, the method comprising the steps of:

- (a) monitoring a number of operating parameters associated with operation of the system;
- (b) storing a number of operating parameters of step (a) into a database;
- (c) retrieving a fault finding test script file which contains a number of tests which can be performed on the system;
- (d) performing tests contained in the retrieved fault finding test script file of step (c) using at least some of the parameters stored in the database to provide a number of signals indicative of a potential fault condition; and
- (e) updating the retrieved fault finding test script file of step (c) based upon test results from tests which have been performed on the system in step (d).

16. (previously presented): A program storage medium according to claim 15, wherein the method further comprises the step of:

- (f) displaying a message to assist an operator in diagnosing the potential fault condition before the potential fault condition actually occurs.

17. (previously presented): A program storage medium according to claim 15, wherein the method further comprises the step of:

- (f) periodically determining if the signals indicative of the potential fault condition match a predetermined fault pattern.

18. (previously presented): A program storage medium according to claim 17, wherein the method further comprises the step of:

- (g) alerting an operator when the signals indicative of the potential fault condition match the predetermined fault pattern.

19. (previously presented): A program storage medium according to claim 17, wherein the method further comprises the step of:

(g) logging a fault event when the signals indicative of the potential fault condition match the predetermined fault pattern.

20. (previously presented): A program storage medium according to claim 15, wherein the method further comprises the step of:

(f) displaying a number of actions on a screen to assist the operator in diagnosing the potential fault condition.

21. (previously presented): A program storage medium according to claim 20, wherein the method further comprises the step of:

(f-1) displaying specific instructions to provide a step-by-step approach to diagnosing the potential fault condition.